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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,309	11/12/1998	DANIEL R. SCHNEIDEWEND	RCA89.041	6495

7590 05/02/2006

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/190,309	<b>Applicant(s)</b> SCHNEIDEWEND ET AL.	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2623	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-7.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see continuation sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

Jason P Salce  
 Patent Examiner  
 Art Unit: 2623

**Continuation of Item 11 of Advisory**

Applicant argues that Roop fails to teach a tuner operable by said processor to tune said video decoder to received packetized information for said user selected program, including current time reference information from a corresponding program source. The examiner disagrees and notes that Column 11, Lines 61-62 further disclose a tune channel number, which is used by the television receiver of Figure 5 to tune to the proper television channel, which is transmitted from a source (see the TV Broadcast Stations in Figure 1). Further note Column 12, Lines 1-11 for further information of the tune channel number data and Column 15, Lines 18-25 for using the user interface to tune to a television channel. Also note Column 9, Lines 39-53, which clearly discloses that packetized information is received for said user selected program.

Applicant notes that Roop does not describe that the information received for the user selected program. The examiner disagrees and notes that the claims are broad and do not specify that when a user tunes a channel they will only receive packetized information for the specific channel tuned to by the user. Roop teaches tuning to a channel and that schedule data and control message are sent in the VBI from various television program providers, therefore Roop clearly receives information for all channels in order to construct the program guide, therefore, Roop clearly teaches receiving packetized information for said user selected program. Clearly if Roop teaches received information for all of the channels then Roop clearly teaches receiving

information for the selected channel because the selected channel is one of the complete set of channels.

Applicant further notes that Roop does not teach time information. The examiner disagrees and notes Column 9, Lines 60-62 and Column 11, Lines 48-54 for various types of time information sent to the user of a selected program.

Applicant further argues that Roop does not teach a filter filtering said output such that any discontinuity in the current time reference information is prevented and that Roop introduces a discontinuity. The examiner does not agree and notes that clearly a discontinuity is being prevented in the current time reference when daylight savings time occurs and that by receiving the correction data allows the times in the electronic program guide to be corrected there by preventing a discontinuity in the current time reference, therefore instead of trying to watch an 8pm program when the time is really 7pm. As for addressing the current time argument, if the current time is 6pm and the view wished to view what programs are being aired at 6pm, but no daylight savings time correction has occurred, clearly there would be a discontinuity, which is prevented using the daylight savings time correction information, which is applied to the program guide, thereby filtering the output of the time information of the EPG to the display.

Applicant further notes that the daylight saving time correction is only for adjusting the schedule data, however Column 39, Table IX discloses that a local time can be displayed and Column 40, Lines 18-32 discloses that the local time is adjusted as well as the program schedule information that relates to the local time.